

28 **4-2-16**, Utah Code Annotated 1953

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30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **4-2-16** is enacted to read:

32 **4-2-16. Preemption.**

- 33 (1) Subject to H→ concurrence with ←H relevant federal laws S→ and except as
 33a1 **provided in Subsection (4) ←S** , the department has
 33a exclusive jurisdiction over
 34 regulation regarding:
- 35 (a) commercial feed, as described in Chapter 12, Utah Commercial Feed Act;
 - 36 (b) fertilizer, as described in Chapter 13, Utah Fertilizer Act;
 - 37 (c) pesticides, as described in Chapter 14, Utah Pesticide Control Act; and
 - 38 (d) seeds, as described in Chapter 16, Utah Seed Act.
- 39 (2) The regulation of commercial feed, fertilizer, pesticides, and seeds within the state
 40 S→ [are] is ←S of statewide concern and S→ , except as provided in Subsection (4), ←S this title
 40a occupies the whole field of potential regulation.
- 41 (3) S→ [A] Except as provided in Subsection (4), a ←S political subdivision of the state is
 41a prohibited from regulating commercial feed,
 42 fertilizer, pesticides, and seeds, and local ordinances, resolutions, amendments, regulations, or
 43 laws that seek to do so are void.
- 44 (4) Nothing in this section preempts or otherwise limits the authority of a political
 45 subdivision to S→ :
- 45a (a) ←S adopt and enforce zoning regulations, fire codes, building codes, or waste
 46 disposal restrictions S→ [e] ; or
 - 46a (b) in consultation with the department, enforce, maintain, amend, or otherwise
 46b continue to implement a regulation created on or before January 1, 2017 related to the use of
 46c pesticides and fertilizers in S→ [a] surface water and groundwater ←S source water
 46d protection S→ [zone] areas ←S . ←S

Legislative Review Note
 Office of Legislative Research and General Counsel